

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) **HAND/CARRY**
Albert J. Van MULLEM et al.) Group Art Unit: 3725
Application No.: 09/758,680) Examiner: Mark Rosenbaum
Filed: January 11, 2001) Confirmation No. 9549
For: WEAR PROTECTION FOR A ROCK)
CRUSHING SYSTEM)

#8/8pm
7-25-03
W/D Aband.

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**REQUEST FOR WITHDRAWAL OF HOLDING OF
ABANDONMENT - NO ABANDONMENT IN FACT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with M.P.E.P. §711.03, withdrawal of the holding of abandonment in the above-captioned application is respectfully requested, there being no abandonment in fact. Specifically, the Notice of Abandonment issued on July 7, 2003 and identified by the attached copy of the PAIR report states that the application is held abandoned for failure to respond to the Patent and Trademark Office communication dated November 20, 2002.

[✓] However, a reply to that communication was timely filed on December 20, 2002. A copy of that reply (i.e., Election of Invention, inclusive of copy of executed Revocation/New Power of Attorney filed on October 3, 2002) is enclosed, as is a copy of a post card receipt date-stamped by the Patent and Trademark Office to acknowledge receipt of said reply on said date. This date-stamped post card receipt, which itemizes and properly identifies the papers filed, is *prima facie* evidence of receipt in the Patent and Trademark Office of all the items listed thereon on the date stamped thereon by the Patent and Trademark Office. See, M.P.E.P. § 503.

[✓] Neither the Notice of Abandonment dated April 22, 2003 nor the Acknowledgment of the change of Power-of-Attorney as filed on October 3, 2002 has been received by the undersigned, and a search of the file jacket and docket records indicates that the Office communication was not received. In accordance with M.P.E.P. § 711.03 (c) II, a copy of the docket record

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where the non-received Office communication would have been entered had it been received and docketed is attached.

In light of the above, withdrawal of the holding of abandonment and prompt favorable action on the merits are respectfully requested.

It is believed that no fee is required for consideration of this paper. Should the Office deem otherwise, the Director is hereby authorized to charge any appropriate fees under 37 C.F.R. § 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: July 21, 2003

By: 

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